PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known TRANSMITTAL 09/918,875 Application Number Filing Date July 31, 2001 for FY 2004 Alexander Tormasov First Named Inventor Effective 10/01/2003. Patent fees are subject to annual revision. **Examiner Name** Bonura, Timothy M. TABBlicant claims small entity status. See 37 CFR 1.27 Art Unit 2114 2230.0070001/MBR/GSB (as amended) TOTAL AMOUNT OF PAYMENT (\$) 180.00 Attorney Docket No. METHOD OF PAYMENT (check all that apply) FEE CALCULATION (contin Money X Other** 3. ADDITIONAL FEES Check X Credit card **Charge any deficiencies or credit any overpayments in
Deposit Account: the fees to Denosit Acct No. 10.002 APR 2 7 200 Large Entity | Small Entity the fees to Deposit Acci. No. 19-0036. **Fee Description** Deposit Code (\$) Code (\$) Account 19-0036 1051 130 2051 Number Deposit 1052 2052 25 Surcharge - late provisional filing fee or 50 Sterne Kessler, Goldstein & Fox P.L.L.C Account cover sheet Non-English specification 1053 130 1053 130 The Director is authorized to: (check all that apply) 1812 2,520 For filing a request for ex parte reexamination 1812 2,520 Charge fee(s) indicated below Credit any overpayments 1804 920 1804 920* Requesting publication of SIR prior to Charge any additional fee(s) or any underpayment of fee(s) Examiner action Charge fee(s) indicated below, except for the filing fee Requesting publication of SIR after 1805 1.840 1805 1.8401 Examiner action to the above-identified deposit account. 1251 110 2251 Extension for reply within first month **FEE CALCULATION** 1252 420 2252 210 Extension for reply within second month 1. BASIC FILING FEE 1253 950 2253 Extension for reply within third month arge Entity Small Entity Fee Paid Fee Fee Code (\$) Fee Fee Description 1254 1.480 2254 740 Extension for reply within fourth month Code (\$) Extension for reply within fifth month 1255 2.010 2255 1.005 1001 770 2001 385 Utility filing fee 1401 330 2401 165 1002 340 2002 170 Design filing fee Notice of Appeal 1402 330 2402 1003 530 2003 265 165 Filing a brief in support of an appeal Plant filino fee 1403 290 2403 Request for oral hearing 145 1004 770 2004 385 Reissue filing fee 1005 160 2005 Provisional filing fee 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 110 2452 Petition to revive - unavoidable **SUBTOTAL (1) | (\$)** 1453 1,330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.330 2501 665 Utility issue fee (or reissue) Extra Claims Fee Paid below 1502 480 2502 240 Design issue fee **Total Claims** Х 20 1503 640 2503 320 Plant issue fee Independent 3 1460 1460 130 130 Petitions to the Commissioner Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1.17(g) Large Entity Small Entity 180.00 1806 180 1806 180 Submission of Information Disclosure Stmt Fee Fee Fee Description Recording each patent assignment per Code (\$) Code (\$) 8021 40 8021 40 property (times number of properties) 1202 18 2202 Claims in excess of 20 1809 770 2809 Filing a submission after final rejection 1201 86 Independent claims in excess of 3 2201 43 (37 ČFR 1.129(a)) 1203 290 2203 Multiple dependent claim, if not paid 1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b)) 1204 86 ** Reissue independent claims 2204 43 1801 770 2801 385 Request for Continued Examination (RCE) ** Reissue claims in excess of 20 1802 900 1802 Request for expedited examination 1205 18 2205 9 and over original patent of a design application Other fee (specify) (\$) SUBTOTAL (2) *Reduced by Basic Filing Fee Paid 180.00 SUBTOTAL (3) **or number previously paid, if greater; For Reissues, see above

SUBMITTED BY					(Complete (if applicable))	
Name (Print/Type)	George S. Bardmesser	040	Registration No. (Attorney/Agent)	44.020	Telephone	(202) 371-2600
Signature		UIDA			Date	4122104

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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April 22, 2004

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APR 2 7 2004

Art Unit 2114

Technology Center 2100

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No.: 09/918,875; Filed: July 31, 2001

For: Fault Tolerant Storage System And Method Using A Network Of

Servers (as amended)

Inventors:

Tormasov et al.

Our Ref:

2230.0070001/MBR/GSB (as amended)

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fee Transmittal Form (PTO/SB/17);
- 2. Information Disclosure Statement;
- 3. Form PTO-1449 listing two (2) documents;
- 4. Copies of the two (2) cited documents;
- 5. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover Information Disclosure Fee; and
- 6. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents April 22, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

George S. Bardmesser Attorney for Applicants Registration No. 44,020

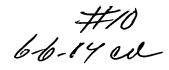
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Technology Center 2100





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Tormasov et al.

Appl. No.: 09/918,875

Filed: July 31, 2001

For: Fault Tolerant Storage System And

Method Using A Network Of

Servers (as amended)

Confirmation No.: 2443

Art Unit: 2114

Examiner: Bonura, Timothy M.

Atty. Docket: 2230.0070001/MBR/GSB (as

amended)

Information Disclosure Statement

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

APR 2 7 2004

Technology Center 2100

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document AR1 cited on Form PTO 1449:

Document AR1 is in the Russian language. An English language abstract of document AR1 is attached as document AS1.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR

before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

- - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - C. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition: a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

⊠ 6.	A concise explanation of the relevance of the non-English language document
	appears in document AS1.
⊠ 7.	Copies of the documents are submitted herewith.
8 .	Copies of the documents were cited by or submitted to the Office in an IDS that
	complies with 37 C.F.R. § 1.98(a)-(c) in Application No, filed
	, which is relied upon for an earlier filing date under 35 U.S.C.
	§ 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
9 .	No copies of U.S. patents and patent application publications cited on the
	attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because
	this application was filed after June 30, 2003.
<u> </u>	It is expected that the examiner will review the prosecution and cited art in the
	parent application no(s) in accordance with MPEP 2001.06(b), and
	indicate in the next communication from the office that the art cited in the earlier
	prosecution history has been reviewed in connection with the present application.
	It is respectfully requested that the Examiner initial and return a copy of the
enclose	ed PTO-1449, and indicate in the official file wrapper of this patent application
that the	e documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

George S. Bardmesser Attorney for Applicants Registration No. 44,020

Date: __April 22, 2004

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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